

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHMAR CONTROLS AND SERVICES  
COMPANY, INC.,

Plaintiff,

**STIPULATION AND  
CONSENT ORDER**

Case No. 11 CV 5802 (VLD)

(PED)

-against-

LIBERTY MUTUAL INSURANCE COMPANY,

Defendant.  
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WHEREAS, there is currently pending in the Supreme Court of the State of New York, County of the Bronx, an action under the Index Number 302331/11, brought by Anron Heating and Air Conditioning, Inc. ("Anron") against Defendants AMCC Corp., Charles Marino, Liberty Mutual Insurance Company, New York City School Construction Authority, Franco Belli Plumbing and Heating and Sons, Inc., J.C. Ryan EBCO/H&G LLC, Jordan Panel Systems Corp., J.S. McHugh, Inc., and Old World Quality Designs Corp., in which Anron seeks to recover for certain work, labor and service furnished in connection with the same public improvement project from which this matter arises (the "Bronx Action"); and

WHEREAS, the Plaintiff, on January 20, 2012, filed a Motion to Intervene in the Bronx Action pursuant to New York State Lien Law §62, N.Y. C.P.L.R. 1012, and N.Y. C.P.L.R. 1013; and

WHEREAS, in light of the foregoing, without prejudice to any of the parties' rights and remedies in this matter;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows:

1. That this matter is hereby stayed pending hearing and determination of Plaintiff's Motion to Intervene.
2. That for the purpose of any statutory limitations period, Plaintiff shall be deemed to have intervened in the Bronx action as of the date of commencement of this action.
3. That Defendant does not waive any notice requirements under the labor and material payment bond, which is the subject of this action.
4. That Plaintiff will provide written notice to this Court as to the status of the Motion to Intervene, upon sixty day increments.
5. That Stipulation and Consent Order may be executed in one or more counterparts, with each part being deemed a part of the original document, and facsimile or other electronic signatures shall be deemed an original signature.

Date: January 24, 2012

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By: 

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Attorneys for Defendant

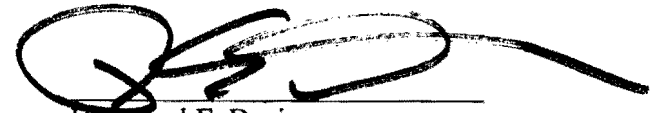
WELBY, BRADY & GREENBLATT, LLP

By: 

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Attorneys for Plaintiff

SO ORDERED:

  
Hon. Paul E. Davison

1/25/12